

ORDINANCE NO. 2015-75
Introduced By: Administration

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST
FOR THE PERIOD ENDING DECEMBER 31, 2015
REPEALING ORDINANCE NO. 2015-59
AND DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, STATE OF OHIO:

Section 1. That to provide for the current expenses and other expenditures of the City of Lyndhurst for the period beginning January 1, 2015 and ending December 31, 2015, the following sums be appropriated as set forth in the following sections.

Section 2. That there be appropriated from the **General Fund** the following:

SECURITY OF PERSONS AND PROPERTY

1111 POLICE

Salaries & Wages	\$2,964,048	
Other Expenses	\$804,960	\$3,769,008

1114 ANIMAL CONTROL

Salaries & Wages	\$0	
Other Expenses	\$34,000	\$34,000

1116 SPO & AUXILIARY

Salaries & Wages	\$81,616	
Other Expenses	\$18,616	\$100,232

1118 PARKS & SCHOOL SECURITY

Salaries & Wages	\$7,800	
Other Expenses	\$1,299	\$9,099

1121 COMMUNICATIONS

Salaries & Wages	\$437,550	
Other Expenses	\$142,801	\$580,351

1131 FIRE DEPARTMENT

Salaries & Wages	\$2,396,073	
Other Expenses	\$670,822	\$3,066,895

<i>TOTAL SECURITY OF PERSONS AND PROPERTY</i>		\$7,559,585
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PUBLIC HEALTH AND WELFARE

2211 COUNTY HEALTH DEPARTMENT

Other Expenses	\$54,884	\$54,884
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<i>TOTAL PUBLIC HEALTH AND WELFARE</i>		\$54,884
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COMMUNITY ENVIRONMENT

3311 PLANNING COMMISSION

Salaries & Wages	\$7,200	
Other Expenses	\$5,312	\$12,512

3313 BOARD OF ZONING APPEALS

Salaries & Wages	\$10,750	
Other Expenses	\$1,986	\$12,736

3315 ARCHITECTURAL BOARD OF REVIEW

Salaries & Wages	\$6,450	
Other Expenses	\$1,072	\$7,522

3323 BUILDING DEPARTMENT

Salaries & Wages	\$190,813	
Other Expenses	\$215,726	<u>\$406,539</u>

TOTAL COMMUNITY ENVIRONMENT

\$439,309

LEISURE TIME ACTIVITIES

4419 PARKS

Salaries & Wages	\$148,953	
Other Expenses	\$70,113	\$219,066

4421 BRAINARD SPRAYGROUND

Salaries & Wages	\$39,000	
Other Expenses	\$34,811	\$73,811

4422 LYNDBURST POOL

Salaries & Wages	\$160,500	
Other Expenses	\$118,647	\$279,147

4433 HOME DAYS

Other Expenses	\$15,000	\$15,000
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4435 HOLIDAY LIGHTING

Other Expenses	\$2,000	\$2,000
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4437 COMMUNITY PARTNERSHIP ON AGING

Other Expenses	\$149,885	<u>\$149,885</u>
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TOTAL LEISURE TIME ACTIVITIES

\$738,909

BASIC UTILITIES

5561 REFUSE COLLECTION AND DISPOSAL

Salaries & Wages	\$188,150	
Other Expenses	\$523,393	\$711,543

5563 RECYCLING

Salaries & Wages	\$154,335	
Other Expenses	\$100,745	\$255,080

5565 LEAVES

Salaries & Wages	\$93,950	
Other Expenses	\$61,842	\$155,792

5567 TREES

Salaries & Wages	\$106,052	
Other Expenses	\$113,200	<u>\$219,252</u>

TOTAL BASIC UTILITIES

\$1,341,667

GENERAL GOVERNMENT

7711 MAYOR

Salaries & Wages	\$150,370	
Other Expenses	\$64,032	\$214,402

7712 INCOME TAX ADMINISTRATION

Other Expenses	\$287,000	\$287,000
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7713 FINANCE DEPARTMENT

Salaries & Wages	\$345,494	
Other Expenses	\$137,782	\$483,276

7714 LAW DEPARTMENT

Salaries & Wages	\$85,505	
Other Expenses	\$138,461	\$223,966

7715 SERVICE DEPARTMENT

Salaries & Wages	\$332,007	
Other Expenses	\$194,806	\$526,813

7717 CIVIL SERVICE COMMISSION

Salaries & Wages	\$7,500	
Other Expenses	\$29,434	\$36,934

7721 COUNCIL

Salaries & Wages	\$87,553	
Other Expenses	\$45,127	\$132,680

7731 MUNICIPAL COURT

Salaries & Wages	\$779,900	
Other Expenses	\$464,968	\$1,244,868

7741 GENERAL ADMINISTRATION

Other Expenses	\$413,280	\$413,280
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7742 PUBLIC LANDS & BUILDINGS

Salaries & Wages	\$86,350	
Other Expenses	\$404,015	\$490,365

7744 STATUTORY

Other Expenses	\$450,246	\$450,246
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7746 ENGINEERING

Salaries & Wages	\$18,400	
Other Expenses	\$22,843	\$41,243

7761 UNCLAIMED

Other Expenses	\$5,000	<u>\$5,000</u>
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TOTAL GENERAL GOVERNMENT \$4,550,073

TOTAL OPERATIONS \$14,684,427

7745 INTERFUND TRANSFERS AND ADVANCES

to Police Pension Fund	\$344,906
to Fire Pension Fund	\$379,803
to LV Public Improv Tx Inc Equiv Fund	\$353,187
to Sidewalk Repair Fund	\$0
to Sewer Maintenance Fund	\$0
to Sewer Construction Fund	\$0
to Community Center Fund	\$230,000
to Petty Cash Fund	<u>\$0</u>

TOTAL INTERFUND TRANSFERS \$1,307,896

GRAND TOTAL GENERAL FUND **\$15,992,323**

Section 3. That there be appropriated from the **Special Revenue Fund Class** the following:

<u>210 STATE HIGHWAY FUND</u>			
Other Expenses	\$64,000	\$64,000	
TOTAL STATE HIGHWAY FUND			\$64,000
<u>220 COURT PROBATION SERVICES</u>			
Salaries & Wages	\$20,000		
Other Expenses	\$6,992	\$26,992	
TOTAL COURT PROBATION SERVICES			\$26,992
<u>230 COURT SPECIAL PROJECTS FUND</u>			
Salaries & Wages	\$138,810		
Other Expenses	\$120,682	\$259,492	
<u>231 COURT SPECIAL PROJECTS IDIAM FUND</u>			
Other Expenses	\$13,500	\$13,500	
TOTAL COURT SPECIAL PROJECTS FUND			\$272,992
<u>240 STREET CONSTRUCTION, MAINT. & REPAIR FUND</u>			
<u>1141 TRAFFIC SAFETY</u>			
Salaries & Wages	\$64,829		
Other Expenses	\$115,262	\$180,091	
<u>5552 STORM SEWERS</u>			
Salaries & Wages	\$11,500		
Other Expenses	\$99,377	\$110,877	
<u>6611 STREETS</u>			
Salaries & Wages	\$157,655		
Other Expenses	\$102,681	\$260,336	
<u>6621 SNOW REMOVAL</u>			
Salaries & Wages	\$127,500		
Other Expenses	\$282,600	\$410,100	
TOTAL STREET CONSTRUCTION, MAINT & REPAIR FUND			\$961,404
<u>250 COMMUNITY CENTER FUND</u>			
Salaries & Wages	\$145,040		
Other Expenses	\$142,239	\$287,279	
TOTAL COMMUNITY CENTER FUND			\$287,279
<u>260 COURT EDP FUND</u>			
Salaries & Wages	\$55,915		
Other Expenses	\$234,479	\$290,394	
TOTAL COURT EDP FUND			\$290,394
<u>280 DUI/INDIGENT FUND</u>			
Other Expenses	\$40,000	\$40,000	
TOTAL DUI/INDIGENT FUND			\$40,000
<u>290 LAW ENFORCEMENT FUND</u>			
Other Expenses	\$22,480	\$22,480	
TOTAL LAW ENFORCEMENT FUND			\$22,480
<u>291 LAW ENFORCEMENT ESA FUND</u>			
Other Expenses	\$10,000	\$10,000	
TOTAL LAW ENFORCEMENT ESA FUND			\$10,000
TOTAL SPECIAL REVENUE FUNDS			\$1,975,541

Section 4. That there be appropriated from the **Debt Service Fund Class** the following:

310 GENERAL BOND RETIREMENT FUND

Other Expenses	\$1,025,000	\$1,025,000	
TOTAL GENERAL BOND RETIREMENT FUND			\$1,025,000
TOTAL DEBT SERVICE FUNDS			\$1,025,000

Section 5. That there be appropriated from the **Capital Projects Fund Class** the following:

410 PERMANENT IMPROVEMENT FUND

Capital Outlay	\$1,627,198	\$1,627,198	
TOTAL PERMANENT IMPROVEMENT FUND			\$1,627,198

440 PARKS & RECREATION EQUIPMENT

Capital Outlay	\$20,000	\$20,000	
TOTAL PARKS & RECREATION EQUIPMENT FUND			\$20,000

450 STREET IMPROVEMENT FUND

Capital Outlay	\$1,089,939	\$1,089,939	
TOTAL STREET IMPROVEMENT FUND			\$1,089,939

470 CAPITAL RESERVE FUND

Capital Outlay	\$200,000	\$200,000	
TOTAL CAPITAL RESERVE FUND			\$200,000

TOTAL CAPITAL PROJECTS FUNDS **\$2,937,137**

Section 6. That there be appropriated from the **Special Assessment Fund Class** the following:

810 STREET LIGHTING FUND

Other Expenses	\$227,750	\$227,750	
TOTAL STREET LIGHTING FUND			\$227,750

820 SEWER MAINTENANCE & REPAIR FUND

Salaries & Wages	\$232,165		
Other Expenses	\$103,644		
Capital Outlay	\$257,850	\$593,659	
TOTAL SEWER MAINTENANCE & REPAIR FUND			\$593,659

830 SIDEWALK FUND

Other Expenses	\$136,100	\$136,100	
TOTAL SIDEWALK FUND			\$136,100

840 SEWER CONSTRUCTION FUND

Other Expenses	\$23,500		
Capital Outlay	\$527,150	\$550,650	
TOTAL SEWER CONSTRUCTION FUND			\$550,650

850 SHADE TREE FUND

Salaries & Wages	\$66,805		
Other Expenses	\$121,021	\$187,826	
TOTAL SEWER MAINTENANCE & REPAIR FUND			\$187,826

TOTAL SPECIAL ASSESSMENT FUNDS **\$1,695,985**

Section 7. That there be appropriated from the **Trust & Agency Fund Class** the following:

710 OTHER TRUST & AGENCY

Other Expenses	\$172,700	\$172,700	
TOTAL OTHER TRUST & AGENCY FUND			\$172,700

720 POLICE PENSION FUND

Other Expenses	\$496,906	\$496,906	
TOTAL POLICE PENSION FUND			\$496,906

730 FIRE PENSION FUND

Other Expenses	\$529,803	\$529,803	
TOTAL FIRE PENSION FUND			\$529,803

790 PETTY CASH FUND

Other Expenses	\$0	\$0	
TOTAL PETTY CASH FUND			<u>\$0</u>

TOTAL TRUST & AGENCY FUNDS **\$1,199,409**

GRAND TOTAL ALL FUNDS **\$24,825,395**

Section 8. The Director of Finance is hereby authorized to draw her warrant for payment of any of the foregoing appropriations upon receiving the proper certifications and voucher thereof, approved by the Council of the City of Lyndhurst, Ohio or officers authorized by law to approve the same, or by ordinance or resolution of Council to make expenditures, provided that no warrant be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 9. REPEAL OF PRIOR ORDINANCES: Any and all ordinances, or parts thereof, inconsistent herewith, and specifically Ordinance No. 2015-59 to the extent it is inconsistent herewith, are hereby repealed; otherwise, any provisions of such Ordinance not inconsistent herewith shall remain in full force and effect.

Section 10. Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 11. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, for further reason that it is necessary to immediately make the appropriations herein in order that the City can properly function and meet its obligations currently. Wherefore, this Ordinance shall take effect immediately upon its passage by the affirmative vote of not less than five (5) members elected to council and approval by the Mayor; otherwise, from and after the earliest time allowed by law.

PASSED: _____

Mayor

ATTEST: _____
Clerk of Council _____
Vice- Mayor

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

 Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

**ORDINANCE NO. 2015-76
INTRODUCED BY: COUNCILMAN SCHLESSEL**

**AN ORDINANCE AMENDING CHAPTER 1160.04(a)(2) OF
THE CODIFIED ORDINANCES OF THE CITY ENTITLED
“PARKING OF COMMERCIAL VEHICLES”**

WHEREAS, an amendment to the City’s Planning and Zoning Code with regard to commercial vehicles has been referred to the Planning Commission for review; and

WHEREAS, the Planning Commission reviewed the proposed amendment on _____, and unanimously approved this amendment to the City’s Planning and Zoning Code; and

WHEREAS, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst Planning Commission; and

WHEREAS, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Section 1160.04(a)(2) of the Codified Ordinances of the City entitled “PARKING OF COMMERCIAL VEHICLES” is hereby amended to read as follows (New material appears like THIS, deleted material appears like ~~this~~):

1160.04 ACCESSORY USES, BUILDINGS AND STRUCTURES.

(2) Parking of commercial vehicles.

- A. In Residential Districts, the parking or storage of commercial vehicles is prohibited, except for service or delivery to premises, provided that such parking or storage of commercial vehicles shall not extend beyond a single twenty-four hour period.
- B. An occupier or resident in a Residential District who uses a commercial vehicle in his or her occupation will be permitted to store such commercial vehicle out of view, in a garage which is an accessory use permitted under this Zoning Code, overnight only.
- C. Commercial vehicles permitted to be stored within an enclosure, as permitted by paragraph (a)(2)B. hereof, shall not exceed three- quarter ton capacity.
- D. As used in this section, "commercial vehicle" is defined as follows:
 - 1. Any vehicle with current state-issued license plates attached, with the designation "truck" or "commercial"; or
 - 2. Any vehicle used for commercial purposes or in a commercial enterprise, which vehicle is marked or identified by lettering, symbols or signs relating to such commercial purpose or enterprise, or, if not so identified, has attached thereto scaffolding, ladders, plows, cranes, hoists, backhoes or other tools and devices that are being used for such commercial enterprise, **OR IS DESIGNED AND/OR OPERATED AS A COMMERCIAL VEHICLE OR FOR A COMMERCIAL PURPOSE, REGARDLESS OF THE TYPE OF REGISTRATION BY THE BMV. VEHICLES WITH HYDRAULIC DUMP BEDS ARE CONSIDERED COMMERCIAL IN ANY CASE.**

The term "commercial vehicle" shall not include vehicles licensed as passenger-type vehicles, as defined in Ohio R.C. 4501.01(E), or noncommercial motor vehicles, vehicles displaying license plates issued to a handicapped person or vehicles displaying a valid parking card issued by the State of Ohio to handicapped persons, unless used as provided for in paragraph (a)(2)D.2. hereof.

SECTION. 2 All provisions of Chapter 1160 of the Codified Ordinances not specifically amended herein shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

RESOLUTION NO. 2015-77
INTRODUCED BY: ADMINISTRATION

**A RESOLUTION PROVIDING FOR HALLOWEEN
OBSERVANCE UPON THE STREETS AND OUT-OF-
DOORS FOR OCTOBER 31, 2015, BETWEEN THE
HOURS OF 6:00 P.M. AND 8:00 P.M.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Halloween activities and observances in the City of Lyndhurst, Ohio, in the year 2015 shall take place on Saturday, October 31, 2015. The custom generally known as "trick or treating" shall be permitted only between the hours of 6:00 and 8:00 P.M., and the canvassing which is part of said custom shall be subject to parental supervision. Disorderly conduct and peace disturbances as provided for in Chapter 648 of the Codified Ordinances are prohibited.

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the public health, peace, welfare, and safety of the City of Lyndhurst for the reason that most communities in and around Lyndhurst will observe Halloween on the same day, thereby eliminating the possibility of misunderstanding among children who may go from one community to another. Wherefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

RESOLUTION NO. 2015-78
INTRODUCED BY: ADMINISTRATION

A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO OHIO REVISED CODE SECTION 321.34

WHEREAS, Section 321.34 of the Ohio Revised Code provides that any money in the County Treasury to the account of the City of Lyndhurst and lawfully applicable to the purpose of the current fiscal year may be drawn upon by request. Now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY AND STATE OF OHIO, THAT:

SECTION 1. The Fiscal Officer of Cuyahoga County be and is hereby requested to pay to the City of Lyndhurst any money in the County Treasury to the account of the City of Lyndhurst and lawfully applicable to the purposes of the fiscal year beginning January 1, 2016.

SECTION 2. The Director of Finance be and she is hereby authorized to furnish a copy of this Resolution to the County Fiscal Officer.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution shall take effect and be in force from and after the earliest time allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ORDINANCE NO: 2015-79
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE DETERMINING THE PORTIONS OF THE
SANITARY SEWER ASSESSMENT TO BE ALLOCATED TO
EACH SEWER FUND FOR THE TAX YEAR 2015, IN
ACCORDANCE WITH SECTION 925.02(b) OF THE CODIFIED
ORDINANCES**

WHEREAS, Section 925.02(b) of the Codified Ordinances requires Council to allocate annually by Ordinance the portions of the sanitary sewer assessment to be allocated between sanitary sewer funds. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY AND STATE OF OHIO, THAT:**

SECTION 1. For tax year 2015, the rates and charges provided in Section 925.01 of the Codified Ordinances shall be paid to the Director of Finance of this City and shall be placed in separate funds and expended for the purposes authorized by law, with **60%** of the assessment being used for the purpose of maintenance and repair of Sewers in the City and the remaining **40%** of the assessment being used for the purpose of meeting the Clean Water Act requirements imposed by the Federal Government and enforced by the Northeast Ohio Regional Sewer District.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall be in effect from and after the earliest period allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____